

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

HURST BOILER & WELDING CO.,	:	
	:	
Plaintiff,	:	
v.	:	
	:	
KCE LOGISTICS, INC.,	:	CASE NO.: 7:24-CV-12 (WLS)
	:	
Defendant.	:	
	:	

ORDER

Before the Court is a Notice of Dismissal without Prejudice (Doc. 4), and signed by Plaintiff's Counsel, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i).¹ Therein, Plaintiff's Counsel states that the dismissal of the above-styled action will be without prejudice. (*Id.*)

Previously, Plaintiff filed a Complaint in February of 2024. (Doc. 1). No further action had occurred in the instant case, so the Court issued an Order (Doc. 3), instructing the Plaintiff to serve Defendant by May 28, 2024, and to file a brief on why Plaintiff has failed to timely serve Defendant. Instead, on May 28, 2024, Plaintiff filed a voluntary Notice of Dismissal without Prejudice (Doc. 4).

Upon consideration thereof, it is **hereby ORDERED** that the voluntary Notice of Dismissal (Doc. 9) is **ACCEPTED**. The Court **ORDERS** that all Plaintiff's claims pending against Defendant are **DISMISSED without prejudice** with Plaintiff bearing their own attorney's fees and costs.

SO ORDERED, this 30th day of May 2024.

/s/ W. Louis Sands

**W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT**

¹ Federal Rule of Civil Procedure 41(a)(1)(A)(i) provides that a plaintiff may dismiss an action without a court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. Furthermore, Rule 41(a)(1)(B) provides that such dismissal is without prejudice unless the notice states otherwise.